

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/560,246 Confirmation No. 2384
Inventor : CORLETT, Nadia
Filed : April 26,2000
TC/AU : 3761
Examiner : STEPHENS, Jacqueline

Docket No. : 1032.039
Customer No. : 36790

June 2, 2006

Via EFS-Web

Mail Stop Amendment/RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.111

In response to the non-final Office Action of May 19, 2006, Applicant submits the following remarks and respectfully requests reconsideration of the present application.

In the non-final Office Action, claims 27-46 were rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Specifically, the claim limitation appearing in independent claims 27, 38, and 42, and reciting that the “diaper is retained at negative pressure within the interior space of the flexible material such that a pressure differential acts upon the flexible material,” was found by the Office Action to be unsupported by the original disclosure. Additionally, the recitation of claim 27 that the recited compressing step of claim (a) is performed “without folding” and “without rolling” was found to be unsupported by the original disclosure.

In response to the Office Action, a telephonic interview was held on June 2, 2006, with Examiner Stephens by Applicant-Assignee’s representatives, Chad D. Tillman and James D. Wright. During the interview, support for these two claim recitations in the original disclosure was discussed. It is believed that agreement was reached with Examiner Stephens regarding

support for the claim recitations at issue and that the rejection of the claims under §112, ¶1 was overcome.

Specifically, support for the first claim recitation was found, for example, in the original disclosure's statement that "[o]nce compressed, the absorbent article 10 is retained to maintain the compact and highly portable configuration, for example, by shrink-wrap thermoplastic packaging at a vacuum or negative pressure." Additional support was found in original claim 19 as filed, which recited that the "retaining step" included "packaging the reconfigured absorbent article at negative pressure." The recitation of "negative pressure" in these passages implicitly requires that a pressure differential exist; the pressure in the interior space of the packaging is "negative" relative to the pressure outside of the packaging when the absorbent article is being maintained in the compressed condition by the "negative pressure." Accordingly, the recited claim language at issue in claims 27, 38, and 42 is supported by the original disclosure.

Support for compression of an absorbent article was found, for example, in FIGS. 1-4 and the description thereof in the written disclosure as filed. In this regard, for example, the written disclosure states "[p]rior to being placed in the compressed condition as shown in FIGS. 2 and 4, the absorbent article 10 may be reconfigured, for example, by rolling...or by folding." The use of the phrase "may be" clearly illustrates that reconfiguring of the diaper by rolling or folding are alternatives in accordance with the invention, but are not required in order to fall within the scope of the invention. Accordingly, compressing without folding and without rolling is supported by the original disclosure.

In view of the foregoing, Applicant-Assignee believes that all independent claims as previously presented stand in condition for allowance. Each of the dependent claims likewise is submitted to stand in condition for allowance based on its dependency from an allowable independent claim and, separately, based on the limitations recited therein.

Accordingly, Applicant-Assignee respectfully requests the passing of the present application to issuance.

Respectfully submitted,
Tillman Wright, PLLC

/Chad D. Tillman/
Chad D. Tillman
Reg. No. 38,634

Tel: (704) 248-6292
Fax: (877) 248-5100

PO Box 471581
Charlotte, NC 28247